

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**CLINT ALAN NEICE**

**PLAINTIFF**

**v.**

**CAUSE NO. 1:19CV841-LG-RPM**

**HARRISON COUNTY**

**DEFENDANT**

**ORDER ADOPTING PROPOSED FINDINGS  
OF FACT AND RECOMMENDATION**

**BEFORE THE COURT** are the [19] Proposed Findings of Fact and Recommendation entered by United States Magistrate Judge Robert H. Walker. The Magistrate Judge recommended that Plaintiff Clint Alan Neice's civil rights Complaint be dismissed without prejudice for failure to prosecute.

At the time Neice filed this lawsuit, he was incarcerated at the Harrison County Adult Detention Center in Gulfport, Mississippi. Judge Walker entered the Proposed Findings recommending dismissal after Neice failed to appear at the omnibus hearing conducted on June 22, 2020. The copy of the Minute Entry regarding the Omnibus hearing and the copy of the Proposed Findings mailed to Neice were returned to the Court as undeliverable. A search conducted on the Mississippi Department of Corrections' website reveals that Neice is no longer incarcerated. The Court entered an [22] Order requiring the Clerk of Court to mail a copy of the Proposed Findings to Neice's last known home mailing address, which was located during a review of the record. This copy of the Proposed Findings was also returned and marked "Refused" and "Unable to Forward." Therefore, the Court has no way of contacting Neice. The Court previously informed Neice that failure to



advise the court of a change of address may result in sua sponte dismissal of his lawsuit without further notice. (Order, at 2, ECF No. 3).

Where no party has objected to the Magistrate Judge's Proposed Findings and Recommendation, the Court need not conduct a de novo review of them. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having conducted the required review, the Court finds that Judge Walker's Proposed Findings of Fact and Recommendation are neither clearly erroneous nor contrary to law. This lawsuit is dismissed without prejudice for failure to prosecute.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** the [19] Proposed Findings of Fact and Recommendation entered by United States Magistrate Judge Robert H. Walker are **ADOPTED** as the opinion of the Court. This lawsuit is **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED AND ADJUDGED** this the 28<sup>th</sup> day of September, 2020.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE